

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**SCOTT T. BALLOCK**

Case No.: 1:17-CV-52

Plaintiff,

v.

JURY TRIAL REQUESTED

**ELLEN RUTH COSTLOW,  
STATE TROOPER MICHAEL KIEF,  
STATE TROOPER RONNIE M. GASKINS,  
and  
STATE TROOPER CHRIS BERRY,**

Defendants.

**PLAINTIFF'S OPPOSITION TO ELLEN RUTH COSTLOW'S'  
MOTION FOR SUMMARY JUDGMENT**

The Defendant, Ellen Ruth Costlow, has essentially joined the Trooper Defendants in their motion for summary judgment. She posits three arguments: 1. that probable cause for the arrest is beyond dispute; 2. There cannot be any conspiracy to harm the Plaintiff owing to the existence of probable cause for the arrest; and 3. The grounds cited by the Office of Professional Responsibility (OPR) in its second try at discharging Plaintiff are wholly unrelated to the fact she and the Trooper Defendants brought this family court matter to the FBI in the beginning.

The Defendant's selected review of texts and emails is essentially the same as what has been argued and opposed in the Trooper Defendants' motion for summary judgment. (Docs 120 and 124) The texts and emails at issue have been mischaracterized

as gratuitously harassing and threatening. Dr. Christi Cooper-Lehki, a forensic psychiatrist, diagnosed Plaintiff as suffering features of codependency and obsessive-compulsion at a time when Ellen Ruth Costlow, a manipulative sociopath suffering Borderline Personality Disorder was cynically threatening his children and his career. The police had twice done nothing when Ellen Costlow acted out. First she attacked their son and committed him to a psychiatric hospital at Christmas, 2012. Then, she engaged her boyfriend in a row that brought the police to the house again, March of 2013. Neither time did the authorities act or even document their dispatch to the residence. The Plaintiff was trying to reconcile in an effort to protect the children from spending time alone with her and in a desperate effort to manage her moods, as he had tried to do for years to that time.

The matter was easily taken to family court Judge Randal Minor. He was getting guidance on this relationship from Dr. Cooper-Lehki and was equipped to handle the situation, as he in fact ultimately did. Instead, Ms. Costlow calculated to have the Plaintiff arrested. The idea was to prejudice Judge Minor on the custody contest that was not otherwise going well for her; try to get Plaintiff fired from his job as an FBI agent; and to coerce Plaintiff's father out of blogging about Ms. Costlow's promiscuous sexual practices. She failed in the first effort; the results of the second effort are in the hands of the Disciplinary Review Board (DRB); and the third effort was mixed at best. Of course,

all three efforts came at the expense of the Plaintiff and his children, just as he foretold in several of the emails and texts defense counsel parade before the Court.

There is no need to reiterate all the principles that prevailed on December 6, 2017 (Doc 48) and the discovery proffered in opposition to the Trooper Defendants' same arguments for summary judgment. (Doc 124) As to her arguments that she did not conspire with the Trooper Defendants, Ms. Costlow forgets the texts her boyfriend provided the Plaintiff, declaring her on-going efforts to cost the Plaintiff his job and her intent to file harassment charges. Likewise, the circumstances surrounding her expedited collaboration with the Trooper Defendants to get everything arranged in time for the custody hearing. Likewise, she argues past the fact she and Sgt. Kief continued to collaborate on what to tell the FBI, knowing they were violating court orders in doing so. These instances have already been briefed and exhibited. (Doc 124).

The argument on damages ignores the fact that the Plaintiff, after discharge from the FBI, has struggled to find work that pays anything comparable to his income as an FBI agent. Likewise, the Defendants obtained records in discovery evidencing the on-going care the Plaintiff has sought as a result of the emotional toll inflicted by the Defendants.

The Plaintiff can find no arguments truly unique to the Defendant, Costlow's motion. That is, arguments not already found and opposed in response to the joint motion filed by the Trooper Defendants. Accordingly, The Plaintiff adopts by reference the

arguments and exhibits produced in his brief opposing the Trooper Defendants' joint motion for summary judgment. (Docs 120 and 124) The Defendant, Costlow's motion for summary judgment must be denied and the claims against her brought on for trial as scheduled.

This opposition brief is respectfully submitted this 29th day of July, 2019.

/s/ Charles J. Crooks, Esq.

Charles J. Crooks, Esq.

WVSB # 4633

Crooks Law Firm PLLC

244 Pleasant Street

Morgantown, WV 26505

[charles@crookslawfirm.org](mailto:charles@crookslawfirm.org)

(304) 282-1039

***Counsel for Plaintiff,***

***Scott T. Ballock***

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**CERTIFICATE OF SERVICE**

I, Charles J. Crooks, Esq., local counsel for the Plaintiff, Scott T. Ballock, hereby certify that on the 29<sup>th</sup> day of July, 2019, I filed the foregoing “**PLAINTIFF’S OPPOSITION TO ELLEN RUTH COSTLOW’S’ MOTION FOR SUMMARY JUDGMENT**” with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to the following:

P. Todd Phillips, Esq.  
P. Todd Phillips & Associates  
235 High Street  
Suite 322  
Morgantown, WV 26505  
[ToddPhillips.Law@gmail.com](mailto:ToddPhillips.Law@gmail.com)  
**Counsel for Defendant,  
Ellen Ruth Costlow**

And

Mark G. Jeffries (WV Bar No. 11618)  
Steptoe & Johnson PLLC  
400 White Oaks Blvd.  
Bridgeport, WV 26330-4500

[Mark.jeffries@steptoe-johnson.com](mailto:Mark.jeffries@steptoe-johnson.com)

Monté L. Williams (WV Bar No. 9526)  
Steptoe & Johnson PLLC  
P.O. Box 1616  
Morgantown, WV 26507-1616  
(304) 598-8000  
[Monte.williams@steptoe-johnson.com](mailto:Monte.williams@steptoe-johnson.com)  
**Co-counsel for Defendants State Trooper  
Michael Kief, State Trooper Ronnie M.  
Gaskins and State Trooper Chris Berry**

/s/ Charles J. Crooks, Esq.